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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/749,477

12/31/2003

Michael Alan Hermans

KCX-754 (18850)

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EXAMINER

FORTUNA, JOSE A

ART UNIT

PAPER NUMBER

1731

DATE MAILED: 11/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/749,477

Applicant(s)

HERMANS ET AL.

Examiner

José A. Fortuna

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-60 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-60 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8/05;1/05;7/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 1-60 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(b) as obvious over Larson et al., US Patent No. 6,129,815 or Anderson et al., US Patent No. 5,674,590 or Anderson et al., US Patent No. 6,248,212 or Anderson et al., US Patent No. 5,885,418.

Larson et al. would be discussed, however, the same subject matter is discussed in the other(s) references. Larson et al. teach a multi-layered paper in which a bonding agent is applied to the surfaces of the web at predetermined pattern and then one side of the web is creped, see abstract and column 4, lines 62-65. Larson et al. teach also that the creping could be done without heating the surface of the creping roll, see column 13, line 66 through column 14, line 11. Larson et al. teach that different types of fibers could be used in any of the layers of the

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stratified web, see column 6, lines 48-58 and teach the formation of a through-air dried web which is the bonded and creped, see column 8, lines 6-26. Larson et al. teach the use of a debonding agent in the same addition range as claimed, column 7, lines 57-65 and column 9, lines 46-65. They also teach the same form of application and coverage amount of the bonding material on the paper, see column 7, lines 7-31 and column 15, lines 10-21. The basis weight same as the one claimed are taught in column 19, lines 12-23. Even though none of the references explicitly teach the splitting force and/or index as claimed, these properties **Must** be inherent to the cited reference(s) since they are made by the same process with the same raw materials. Larson et al. teach bonding agent having glass transition temperatures ranging from -30°C to $+10^{\circ}\text{C}$, see column 13, lines 10-28. Larson et al. teach the heating of the web after the application of the first bonding material, see figures and column 11, lines 1-17. Note also that the normalized basis weight falls within the claimed range.

4. Claims 1-60 rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Anderson et al., WO 99/34060.

Regarding claims 1-60, Anderson et al. teach a multi-layered paper in which a bonding agent is applied to the surfaces of the web at predetermined pattern and then creped, see abstract and page 13, lines 1-4. Anderson et al. teach also that different types of fibers could be used in any of the layers of the stratified web, see page 6, lines 9-20. They teach the use of a debonding agent in examples 1-26, same as claimed; the same form of application and coverage amount of the bonding material on the paper, see pages 7-9, more specifically, page 8, lines 9-14; the absorbent papers having overlapping basis weight as the one claimed, see page 8, lines 15-30, page 2, lines 29-35 and page 3, lines 30-35. Even though the WO patent does not explicitly teach

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the splitting force and/or index as claimed, these properties **Must** be inherent to the cited reference(s) since they are made by the same process with the same raw materials.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure in the art of "Process of bonding and creping webs."


Tirimacco, US Patent No. 6,846,383, teaches an absorbent web which seems have, at least inherently, the same properties as the ones claimed, since they teach that the wiping product is made using the same raw materials and similar process as claimed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to José A. Fortuna whose telephone number is 571-272-1188. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven P. Griffin can be reached on 571-272-1189. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


José A Fortuna
Primary Examiner
Art Unit 1731

JAF